

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD J. BARR,	:	
Plaintiff	:	CIVIL ACTION NO. 3:12-0132
v.	:	
	:	(JUDGE MANNION)
ALEXIS L. BARBIERI, <u>et al.</u>,	:	
Defendants	:	

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) the legislative defendants' objections to the report and recommendation of Judge Smyser, **(Doc. No. 24)**, are **SUSTAINED** and the plaintiff's complaint is dismissed with respect to these defendants;
- (2) the report and recommendation of Judge Smyser, **(Doc. No. 23)**, is **ADOPTED IN PART AND NOT ADOPTED IN PART:**
 - (a) the report and recommendation is adopted to the extent that the defendants' motions to dismiss the plaintiff's complaint, **(Doc. No. 11, Doc. No. 13)**, are **GRANTED;**
 - (b) the report and recommendation is not adopted to the extent that it is recommended that the plaintiff be

allowed to file an amended complaint, with the exception of the Fourteenth Amendment due process claim raised in Count Fifteen;

- (3) the plaintiff will be permitted to file an amended complaint only with respect to Count Fifteen of the instant action which sets forth a Fourteenth Amendment due process claim;
- (4) the plaintiff's amended complaint is to be filed on or before **June 19, 2013**, and is to follow the standards set forth in the Federal Rules of Civil Procedure, Judge Smyser's report and recommendation and the court's accompanying memorandum; and
- (5) the plaintiff is advised that his failure to file an amended complaint within the required time will result in an order directing the Clerk of Court to close the instant matter.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: May 29, 2013

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